

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

15-CA-171769

Date Filed

3/15/16

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Sykes Enterprises, Incorporated and John Cage Enterprises as Joint and/or Single Employers		b. Tel. No. 501-701-5300
		c. Cell No. 501-701-5300
		f. Fax No. 501-337-1799
d. Address (Street, city, state, and ZIP code) 1601 Hwy 270 W Malvern, AR 72104	e. Employer Representative Jonathan Brown Site Director	g. e-mail sykesinc1@gmail.com
		h. Number of workers employed Appx. 250
i. Type of Establishment (factory, mine, wholesaler, etc.) Call Center	j. Identify principal product or service Customer Service	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

SEE ATTACHED

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

4e. e-mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

(b) (6), (b) (7)(C) I declare that the above charge and that the statements of my knowledge and belief.

(b) (6), (b) (7)(C) An Individual

(Signature of representative of person making charge)

(Print/type name and title or office, if any)

(b) (6), (b) (7)(C)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

(b) (6), (b) (7)(C)

Fax No.

e-mail

(b) (6), (b) (7)(C)

Address

Date Mar 15, 2016

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

On or around September 16, 2015, the above-named Employer, through its officers, agents, and supervisors, interrogated employees about their union and protected concerted activities.

On or around September 16, 2015, the above-named Employer, through its officers, agents, and supervisors, gave its employees the impression that their union and protected concerted activities were under surveillance.

On or around September 23, 2015, the above-named Employer, through its officers, agents, and supervisors, told employees it was cutting their pay in retaliation for their protected concerted activities and because the Employer believed employees were trying to start a union.

On or around (b) (6), (b) (7)(C) 2015, the above-named Employer, through its officers, agents, and supervisors, cut the pay of (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) protected concerted activities, and because the Employer believed (b) (6), (b) (7)(C) was trying to organize a union.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 15  
600 S Maestri Pl Fl 7  
New Orleans, LA 70130-3414

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (504)589-6361  
Fax: (504)589-4069



Download  
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Mobile App

March 15, 2016

(b) (6), (b) (7)(C) An Individual  
(b) (6), (b) (7)(C)

Re: Sykes Enterprises, Incorporated and John  
Cage Enterprises as Joint and/or Single  
Employers  
Case 15-CA-171769

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on March 15, 2016 has been docketed as case number 15-CA-171769. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Jacqueline N. Rau whose telephone number is (501)324-6314. The mailing address is 425 W CAPITOL AVE STE 1615, LITTLE ROCK, AR 72201-3453. If this Board agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)324-6312.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

March 15, 2016

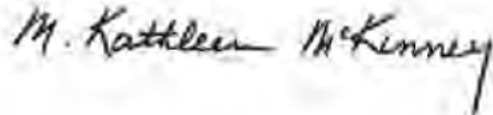
fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink, appearing to read "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. KATHLEEN MCKINNEY  
Regional Director

MKM/lbb



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 15  
600 S Maestri Pl Fl 7  
New Orleans, LA 70130-3414

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (504)589-6361  
Fax: (504)589-4069



Download  
NLRB  
Mobile App

March 15, 2016

Jonathan Brown, Site Director  
Sykes Enterprises, Incorporated and John Cage Enterprises as Joint and /or Single Employers  
1601 Hwy 270 W  
Malvern, AR 72104

Re: Sykes Enterprises, Incorporated and John  
Cage Enterprises as Joint and/or Single  
Employers  
Case 15-CA-171769

Dear Mr. Brown:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Jacqueline N. Rau whose telephone number is (501)324-6314. The mailing address is 425 W CAPITOL AVE STE 1615, LITTLE ROCK, AR 72201-3453. If this Board agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)324-6312.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

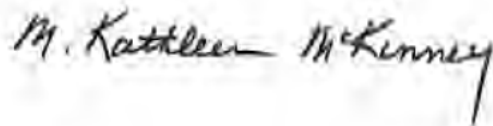
We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Sykes Enterprises, Incorporated and John  
Cage Enterprises as Joint and/or Single  
Employers  
Case 15-CA-171769

- 3 -

March 15, 2016

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a large, stylized "M" and "K".

M. KATHLEEN MCKINNEY  
Regional Director

MKM/lbb

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

Sykes Enterprises, Incorporated and John Cage Enterprises  
as Joint and/or Single Employers

CASE 15-CA-171769

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

Sykes Enterprises, Incorporated and John Cage Enterprises as Joint and/or Single Employers

IN THE ABOVE-CAPTIONED MATTER.

15-CA-171769

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Jonathan S. Forman, GVP, HR Compliance & Employment Law

MAILING ADDRESS: 400 North Ashley Drive, Suite 2800 Tampa, FL 33602

E-MAIL ADDRESS: jonathan.forman@sykes.com

OFFICE TELEPHONE NUMBER: 813-479-3991

CELL PHONE NUMBER: (216) 647-1054 FAX: 813-209-5759

SIGNATURE: 

DATE: 3/21/18

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES

SYKES ENTERPRISES, INCORPORATED

Respondent,

v.

Case No. 15-CA-171769

(b) (6), (b) (7)(C)

Charging Party

\_\_\_\_\_ /

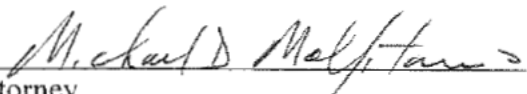
**NOTICE OF APPEARANCE**

On behalf of SYKES ENTERPRISES, INCORORATED, Employer, Attorney Michael D. Malfitano of the law firm of Constangy, Brooks, Smith & Prophete, LLP, hereby files this Notice of Appearance in the above-captioned matter.

  
Michael D. Malfitano, Esq., FBN 188247  
Email: [mmalfitano@constangy.com](mailto:mmalfitano@constangy.com)  
CONSTANGY, BROOKS, SMITH & PROPHETE  
100 North Tampa Street, Suite 3350  
Tampa, FL 33602  
Telephone: (813) 223-3597  
Facsimile: (813) 223-2515  
Attorneys for Respondent

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via email to (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C), this 14<sup>th</sup> day of June, 2016.

  
Attorney

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE AGAINST EMPLOYER**

**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
15-CA-171769	5/27/16

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Sykes Enterprises, Incorporated		b. Tel. No. (501)701-5300
		c. Cell No. (501)701-5300
d. Address (street, city, state ZIP code) 1601 Hwy 270 W, Malvern, AR 72104	e. Employer Representative Jonathan Brown Site Director	f. Fax No. (501)337-1799
		g. e-Mail sykesinc1@gmail.com
		h. Dispute Location (City and State) Malvern, AR
i. Type of Establishment (factory, nursing home, hotel) Call Center	j. Principal Product or Service Customer Service	k. Number of workers at dispute location 250

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

- On or around September 16, 2015, the above-named Employer, through its officers, agents, and supervisors, interrogated employees about their union and protected concerted activities.
- On or around September 16, 2015, the above-named Employer, through its officers, agents, and supervisors, gave its employees the impression that their union and protected concerted activities were under surveillance.
- On or around (b) (6), (b) (7)(C) 2015, the above-named Employer, through its officers, agents, and supervisors, cut the pay of (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) protected concerted activities, and because the Employer believed that (b) (6), (b) (7)(C) was trying to organize a union.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

**4a. Address (street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

**4b. Tel. No.**

(b) (6), (b) (7)(C)

**4c. Cell No.**

(b) (6), (b) (7)(C)

**4d. Fax No.****4e. e-Mail**

(b) (6), (b) (7)(C)

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

**Tel. No.**

(b) (6), (b) (7)(C)

**Office, if any, Cell No.**

(b) (6), (b) (7)(C)

**Fax No.****e-Mail**

(b) (6), (b) (7)(C)

**Address**

(b) (6), (b) (7)(C)

**Date:**

5-27-16

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 15  
600 S Maestri Pl Fl 7  
New Orleans, LA 70130-3414

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Telephone: (504)589-6361  
Fax: (504)589-4069



Download  
NLRB  
Mobile App

May 27, 2016

Jonathan Brown, Site Director  
Sykes Enterprises, Incorporated  
1601 Hwy 270 W  
Malvern, AR 72104

Re: Sykes Enterprises, Incorporated  
Case 15-CA-171769

Dear Mr. Brown:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Jacqueline N. Rau whose telephone number is (501)324-6314. The mailing address is 425 W CAPITOL AVE STE 1615, LITTLE ROCK, AR 72201-3453. If the agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)324-6312.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

M. KATHLEEN MCKINNEY  
Regional Director

MKM/lbb

Enclosure: Copy of first amended charge

cc: Jonathan S Forman, GVP, HR  
Compliance and Employment Law  
Sykes Enterprises, Incorporated  
400 N Ashley Dr Ste 2800  
Tampa, FL 33602-4327



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 15  
600 S Maestri Pl Fl 7  
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May 27, 2016

(b) (6), (b) (7)(C) an Individual  
(b) (6), (b) (7)(C)

Re: Sykes Enterprises, Incorporated  
Case 15-CA-171769

Dear (b) (6), (b) (7)(C)

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Attorney Jacqueline N. Rau whose telephone number is (501)324-6314. The mailing address is 425 W CAPITOL AVE STE 1615, LITTLE ROCK, AR 72201-3453. If the agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)324-6312.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

M. KATHLEEN MCKINNEY  
Regional Director

MKM/lbb

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
SETTLEMENT AGREEMENT

IN THE MATTER OF

Sykes Enterprises, Incorporated

Case 15-CA-171769

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

**POSTING OF NOTICE** — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them on the employee bulletin boards in the employee break room at the Charged Party's facility at 1601 Hwy 270 W, Malvern, Arkansas. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

**COMPLIANCE WITH NOTICE** — The Charged Party will comply with all the terms and provisions of said Notice.

**BACKPAY** — Within 14 days from approval of this agreement, the Charged Party will make whole the employee(s) named below by payment to each of them of the amount opposite each name. The Charged Party will make appropriate withholdings for each named employee. No withholdings should be made from the interest portion of the backpay. The Charged Party will also file a report with the Regional Director allocating the payment(s) to the appropriate calendar year.

(b) (6), (b) (7)(C)

Backpay	\$	1,299.00
Interest	\$	77.00
<u>Excess Tax Liability</u>	<u>\$</u>	<u>13.00</u>
Total	\$	1,389.00

**SCOPE OF THE AGREEMENT** — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

**PARTIES TO THE AGREEMENT** — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

**AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY** — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original

MDM 6/28/16

notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes \_\_\_\_\_  
Initials

No MDM  
Initials

**PERFORMANCE** — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will issue a Complaint that includes the allegations covered by the Notice to Employees, as identified above in the Scope of Agreement section, as well as filing and service of the charge(s), commerce facts necessary to establish Board jurisdiction, labor organization status, appropriate bargaining unit (if applicable), and any other allegations the General Counsel would ordinarily plead to establish the unfair labor practices. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and that it will have waived its right to file an Answer to such Complaint. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the Complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an Order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board Order ex parte, after service or attempted service upon Charged Party at the last address provided to the General Counsel.

**NOTIFICATION OF COMPLIANCE** — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

<b>Charged Party</b> Sykes Enterprises, Incorporated		<b>Charging Party</b> (b) (6), (b) (7)(C)	
By: Name and Title <i>Michael D Malfitano</i> Michael Malfitano, Attorney for the Charged Party	Date 6/28/16	By: Name and Title (b) (6), (b) (7)(C) an Individual	Date
Recommended By: <i>Jacqueline Rau</i> Jacqueline N. Rau, Field Attorney	Date 6/29/16	Approved By: <i>m. kate</i> Regional Director, Region 15	Date 6/29/16

(To be printed and posted on official Board notice form)

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**WE WILL NOT** make it appear to you that we are watching out for your union activities.

**WE WILL NOT** ask you about your or other employees' support for a union.

**WE WILL NOT** decrease your pay because of your union membership or support or because you engage in concerted activities about wages, hours, or other working conditions.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**WE WILL** within 14 days of the approval of this Agreement, restore (b) (6), (b) (7)(C) hourly pay rate to what it was before we changed it on (b) (6), (b) (7)(C) 2015.

**WE WILL** within 14 days of the approval of this Agreement, pay employees (b) (6), (b) (7)(C) for the wages and other benefits (b) (6), (b) (7)(C) lost because we decreased (b) (6), (b) (7)(C) hourly rate.

**Sykes Enterprises, Incorporated**

(Employer)

**Dated:** \_\_\_\_\_ **By:** \_\_\_\_\_  
(Representative) (Title)

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*The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to*

MDM 6/25/12

*file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).*

600 S Maestri Pl Fl 7  
New Orleans, LA

Telephone: (504)589-6361  
Hours of Operation: 8 a.m. to 4:30 p.m.

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**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

MSM 6/28/14

CERTIFICATION OF COMPLIANCE  
(PART ONE)

RE: SYKES ENTERPRISES, INCORPORATED  
Case 15-CA-171769

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

Physical Posting

The signed and dated Notice to Employees in the above matter was posted on

(date) 7/8/2016 at the following locations: (List specific places of posting)

- Display case in break room 1
- ~~Between EAP Poster and labor law poster in break room 2 @ 7/8/16~~
- Display case in break room 2

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

SYKES ENTERPRISES, INCORPORATED

By:

(b) (6), (b) (7)(C)

Title:

(b) (6), (b) (7)(C)

Date:

7/8/2016

This form should be returned to the SubRegion 26 Office's Compliance Assistant (address in letter), together with ONE original Notice, dated and signed in the same manner as those posted. If the Certification of Compliance Part One and signed Notice is returned via e-file or e-mail, no hard copies of the Certification of Compliance Part One or Notice are required.

**CERTIFICATION OF COMPLIANCE**  
**(PART TWO)**

**RE: SYKES ENTERPRISES, INCORPORATED**  
**Case 15-CA-171769**

**Backpay**

On (date) 7/7/16 + 7/11/16, the Employer made payment to the employee named in the Settlement Agreement and/ the Notice to Employees in the amount set forth therein. Proof of payment is attached.

On (date) 7/12/16, the Employer completed the Report to Social Security Administration and submitted it to:

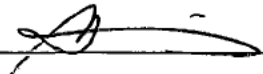
National Labor Relations Board, SubRegion 26  
Attn: Compliance Assistant Anne Sampietro  
80 Monroe Avenue, Suite 350  
Memphis, Tennessee 38103

**Restoration of Pay Rate**

On (date) 7/8/2016, the Employer restored (b) (6), (b) (7)(C) hourly pay rate to what it was before it was changed on October 2, 2015. Proof of pay restoration is attached.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

**SYKES ENTERPRISES, INCORPORATED**

By:   
Title: Sr. Dir., Global HR Compliance - Engrl Counsel  
Date: 7/12/2016

This form should be returned to the SubRegion 26 Office's Compliance Assistant (address in letter). If the Certification of Compliance Part Two and signed Notice is returned via e-file or e-mail, no hard copy of the Certification of Compliance Part Two are required.



# NOTICE TO EMPLOYEES



## POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

### AN AGENCY OF THE UNITED STATES GOVERNMENT

#### FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**WE WILL NOT** make it appear to you that we are watching out for your union activities.

**WE WILL NOT** ask you about your or other employees' support for a union.

**WE WILL NOT** decrease your pay because of your union membership or support or because you engage in concerted activities about wages, hours, or other working conditions.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**WE WILL** within 14 days of the approval of this Agreement, restore (b) (6), (b) (7)(C) hourly pay rate to what it was before we changed it on (b) (6), (b) (7)(C) 2015.

**WE WILL** within 14 days of the approval of this Agreement, pay employee (b) (6), (b) (7)(C) for the wages and other benefits (b) (6), (b) (7)(C) lost because we decreased (b) (6), (b) (7)(C) hourly rate.

**SYKES ENTERPRISES, INCORPORATED**

(Employer)

Date: 7/8/2016

B

**(b) (6), (b) (7)(C)**

(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov) and the toll-free number (866)867-NLRB (6572).

### THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Board's Office,

Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB.

Resident office is located at 25 West Capitol Avenue, Little Rock, AR 72201-3402 Telephone: (501)324-6311, Hours of Operation: 8:30a.m. to 5:00 p.m.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 26  
80 Monroe Ave Ste 350  
Memphis, TN 38103-2400

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (901)544-0018  
Fax: (901)544-0008

September 19, 2016

Jonathan S Forman, GVP,  
HR Compliance and Employment Law  
Sykes Enterprises, Incorporated  
400 N Ashley Dr Suite 2800  
Tampa, FL 33602-4327

Michael D. Malfitano, Esq.  
Constangy, Brooks, Smith & Prophete  
100 N Tampa St Suite 3350  
Tampa, FL 33602-5830

Re: Sykes Enterprises, Incorporated  
Case 15-CA-171769

Dear Mr. Forman, Mr. Malfitano:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the informal Settlement Agreement.

Very truly yours,

M. KATHLEEN MCKINNEY  
Regional Director

By: CHRISTOPHER ROY  
Officer in Charge

cc: Jonathan Brown, Site Director  
Sykes Enterprises, Incorporated  
1601 Hwy 270 W  
Malvern, AR 72104

(b) (6), (b) (7)(C)